

Clifton Kitchens

From: Rick Alembik
Sent: Friday, July 05, 2019 6:28 PM
To: progers@mcguirewoods.com
Cc: frontdesk
Subject: Cunningham, Herman & Vernessa v. Nationstar, et al
Attachments: JPR_Draft_05.pdf; JPR_Draft_05.doc

Dear Paul:

Attached is a file named "JPR_Draft_05.doc" and a .PDF version of same.

The .PDF version is a clean version of the WordPerfect file which I've converted to a Word file for you to tweak (using track-changes).

I am going to have to insist that you re-plead your affirmative defenses so that they are at least somewhat particularized and not shot-gunned. (See my remarks at pp. 18 and 24—25 of the JPR in this regard.) While they're not required to satisfy *Iqbal/Twombly* pleading standards, they still can't be pleaded as every potential affirmative defense in the universe without any modicum of particularization. Failing your voluntary compliance I don't think I'll have any choice but to file a Motion to dismiss the ones that aren't particularized after sending you a copy of the proposed motion and giving you an opportunity to re-plead in accordance with Rule 11.

Hopefully we can get this JPR wrapped up on Monday?

Have a good weekend.

Sincerely,



Rick Alembik
Richard S. Alembik, PC
315 W. Ponce de Leon Ave.,
Ste. 250
Decatur, GA 30030 (USA)
TEL.: (1) 404-373-0205
FAX: (1) 404-795-8999

For non-confidential replies
please cc the following address:
general_mailbox@alembik.com

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NOTICE: general_mailbox@alembik.com